



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations  
of International Humanitarian Law  
Committed in the Territory of the  
former Yugoslavia since 1991

Case No.: IT-95-5/18-PT

Date: 3 July 2009

Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Presiding  
Judge Christoph Flügge  
Judge Michèle Picard

**Registrar:** Mr. John Hocking

**Decision of:** 3 July 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**DECISION ON MOTION TO MODIFY DECISION RE ACCESS BY KARADŽIĆ TO  
CONFIDENTIAL MATERIALS IN COMPLETED CASES**

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**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**THIS TRIAL CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“the International Tribunal”),

**BEING SEISED** of the “Prosecution’s Notification of Compliance and Motion to Modify Decision Re Access by Karadžić to Confidential Materials in Completed Cases (Prosecutor v. Dragan Obrenović–IT-02-60/2)”, filed by the Office of the Prosecutor (“Prosecution”) on 26 June 2009 (“Motion”), in which the Prosecution requests the Trial Chamber to modify the “Decision on Motion for Access to Confidential Material in Completed Cases” of 5 June 2009 (“Decision”) in relation to access to confidential materials in completed cases so as to conform to a decision of Trial Chamber II,

**NOTING** the “Decision on Pandurević Motion for Access to Confidential Material in *Prosecutor v. Obrenović*” of 19 July 2007 in *Prosecutor v. Popović et al.*, in which Trial Chamber II granted access to all the accused to confidential materials in the *Obrenović* case, but, at the same time, denied access to materials from that case “limited strictly to the security issues faced by Obrenović’s family as a result of his decision to plead guilty” and those merely “identifying additional individuals who may be called upon as witnesses to testify to Obrenović’s good character”,<sup>1</sup>

**NOTING** that the Accused has informed the Trial Chamber that he does not oppose the Motion,<sup>2</sup>

**CONSIDERING** that the Chamber inadvertently included the documents from the *Obrenović* case listed in the *ex parte* Annex to the Motion in the material to be provided to the Accused, in its Decision,

**PURSUANT TO** Rules 54 and 75 of the Rules of Procedure and Evidence of the Tribunal,

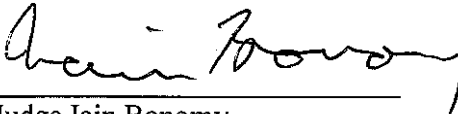
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<sup>1</sup> *Prosecutor v. Popović, Beara, Nikolić, Borovčanin, Miletić, Guero, Pandurević*, Case No. IT-05-88-T, Decision on Pandurević Motion for Access to Confidential Material in *Prosecutor v. Obrenović*, 19 July 2007, p. 6.

<sup>2</sup> Status Conference, T. 326 (1 July 2009).

**HEREBY GRANTS** the Motion so that the Accused is denied access to those documents from the *Obrenović* case listed in the *ex parte* Annex to the Motion.

Done in English and French, the English text being authoritative.

  
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Judge Iain Bonomy

Dated this third day of July 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**